

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF FEBRUARY 2, 2022
ZONING BOARD OF APPEALS AND ADJUSTMENT**

A meeting of the Zoning Board of Appeals and Adjustment of the City of Wyandotte was **called to order** by Vice Chairperson Gillon **at 6:30 p.m.**, in the Council Chambers of the City Hall, 3200 Biddle Avenue, Wyandotte.

MEMBERS PRESENT: DiSanto
Flachsmann
Gillon
Olsen
Szymczuk
Trupiano

MEMBERS ABSENT: Duran, Nevin, Wienclaw

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Olson, supported by Member Szymczuk to approve the minutes of the December 1, 2021, meeting.

Yes: DiSanto, Flachsmann, Gillon, Olsen, Szymczuk, Trupiano

No: none

Abstain: none

Absent: Duran, Nevin, Wienclaw

Motion passed

Appeal #3366 – DENIED

Tyler and Hannah Rife, 1026 5th Street, Wyandotte (owner & appellant)

for a variance to obtain a Certificate of Occupancy to provide no off street parking at 1026 5th Street (Lot 52, Sullivan's Sub) in a RA zoning district, where the proposed conflicts with Section 190.324.R.1.A of the Wyandotte Zoning Ordinance.

Section 190.324.R.1.A:

There shall be provided in all Zoning Districts at the time of erection or enlargement of any main building or structure, automobile off street parking with adequate access to all spaces. The minimum of off street parking for one and two family dwellings is one (1) parking space for each dwelling unit.

The following was noted:

- At the upon sale inspection dated July 24, 2017, it was noted to repair/replace the parking slabs in the rear yard.
- At the January 17, 2019, reinspection the Inspector showed what area was to be removed and replaced. Other areas were to have cracks filled.
- At the November 30, 2021, reinspection the rear parking pad was removed altogether and vinyl privacy fencing installed without gate access. Thereby removing all off street parking.

Denied due to lack of required number of votes required to pass motion.

Motion was made by Member DiSanto, Supported by Member Trupiano to grant this appeal.

Yes: DiSanto, Gillon, Szymczuk, Trupiano

No: Flachsmann, Olsen

Abstain: none

Absent: Duran, Nevin, Wienclaw

Motion denied

Appeal #3367 – GARAGE/GRANTED FENCE/DENIED

Thomas Roberts Architect LLC-Wayne Dutton, 2927 4th Street, Wyandotte (appellant) and Anthony McDonald, 2011 Oak Street, Wyandotte (owner)

for a variance to obtain a building permit for attached garage and Certificate of Occupancy for a front yard fence at 2011 Oak Street (Lots 119, 120 and 121, Eureka Estates Sub.) in a RA zoning district, where the proposed conflicts with Sections 190.323(A), 190.290, 190.323(H), and 190.327B of the Wyandotte Zoning Ordinance.

Section 190.323(A):

Where the accessory building is structurally attached to the main building, it shall be subject to all regulations applicable to main buildings. The proposed garage is attached to the home.

Section 190.290:

The required rear yard setback in an RA district is 25'. The proposed attached garage will encroach into the rear yard setback 8', matching the same encroachment as the home.

Section 190.323(H):

When an accessory building is located on a corner lot, the side lot line which is substantially a continuation of the front lot line of the lot to its rear, said building shall not be located closer to the street side lot line than the existing front yard setback of the lot to its rear, provided, in those instances where lots are 40' or less in width, the setback need not exceed 15'. Where lots are 35' or less, the setback need not exceed 10'. The proposed attached garage is located closer to the street side lot line than the existing front yard setback of the lot to its rear.

Section 190.327B:

No residential or non-residential fence or wall shall be erected in a required front yard; except that, on lots with a side lot line adjacent to an alley or street, a decorative or ornamental fence shall be allowed, such as, but not limited to, a split rail or 2 rail fence, but not to include chainlink or fences of solid type construction and not exceeding 4' in height, may be constructed along the alley, street line or extension of the side yard to the front of said lot. The proposed solid type 6' privacy fence would extend into the required front yard and exceed the 4' maximum height requirement.

(Sections 190.323(A), 190.290, 190.323(H) – garage)

The proposed placement of the garage on this unique property does not impair the intent of the ordinance.

Yes: Flachsmann, Gillon, Olsen, Szymczuk, Trupiano

No: DiSanto

Abstain: none

Absent: Duran, Nevin, Wienclaw
Motion passed

Motion was made by Member Flachsmann, Supported by Member Szymczuk to grant Sections 190.323(A), 190.290, 190.323(H) regarding the garage of this appeal.

(Section 190.327B – fence)

Denied due to lack of required number of votes required to pass motion.

Motion was made by Member Flachsmann, Supported by Member Szymczuk to grant Section 190.327B regarding the fence of this appeal.

Yes: Flachsmann, Gillon, Szymczuk
No: DiSanto, Olsen, Trupiano
Abstain: none
Absent: Duran, Nevin, Wienclaw
Motion denied

Appeal #3368 – GRANTED

Todd Hannah, 2232 Eureka, Wyandotte (owner & appellant)

for a variance to obtain a sign permit at 2232 Eureka (legal description on file) in a B-2 zoning district, where the proposed conflicts with Section 190.329.F.2.b.3 of the Wyandotte Zoning Ordinance.

Section 190.329.F.2.b.3:

It shall be unlawful to erect any pole sign to a height greater than 30' above the level of the street upon which the sign faces. The distance from the ground sign to the bottom shall be not less than 8' and shall be so erected as to not obstruct traffic vision. The area of such sign shall not exceed 120 square feet for each sign face.

The bottom of the proposed pole sign is 6' from the ground.

Sign Permit #PSIGN21-0029 was issued December 17, 2021, approving a sign proposed to be located not less than 8' above the ground to the bottom of sign, meeting ordinance requirements.

The requested sign placement allows for improved visibility around the trees and does not pose an increased hazard.

Motion was made by Member Flachsmann, Supported by Member Trupiano to grant this appeal.

Yes: DiSanto, Flachsmann, Gillon, Olsen, Szymczuk, Trupiano
No: none
Abstain: none
Absent: Duran, Nevin, Wienclaw
Motion passed

Appeal #3369 – GRANTED

MI Custom Signs, 20109 Northline, Taylor, Michigan (appellant) and Epic Property, 12863 Eureka, Southgate, Michigan (owner)

for a variance to obtain a sign permit for a ground sign at 1475 Eureka (legal description on file) in a B-2 zoning district, where the proposed conflicts with Section 190.329.F.2.a.3 of the Wyandotte Zoning Ordinance.

Section 190.329.F.2.a.3:

No ground sign shall be located nearer than 5' to any existing or proposed right of way line. Proposed ground sign would be located at the front property line. The front property line is located 2' south of the south edge of the city sidewalk.

The proposed sign placement is appropriate for the property and does not impair the intent of the ordinance.

Motion was made by Trupiano, Supported by Member Flachsmann to grant this appeal.

Yes: DiSanto, Flachsmann, Gillon, Olsen, Szymczuk, Trupiano

No: none

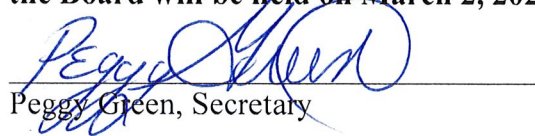
Abstain: none

Absent: Duran, Nevin, Wienclaw

Motion passed

OTHER BUSINESS:

There being no further business to discuss, the meeting adjourned at 7:30 p.m. **The next scheduled meeting of the Board will be held on March 2, 2022.**


Peggy Green, Secretary

Appeal #3366

Vice Chairperson Gillon read the appeal and asked that it be explained.

Tyler and Hannah Rife, 1026 5th Street, Wyandotte, present.

Mrs. Rife stated that there was misunderstanding when they purchased the home. Mrs. Rife indicated that the Realtor did not explain the violation for the parking pad and indicated that it was a safety issue and once it was removed the issue would be resolved. Mrs. Rife indicated that no City inspector came and explained to them what needed to be done. Mrs. Rife stated that they were first time home buyers and did not know.

Mrs. Rife indicated that there is a commercial alley and they did not want an access to that alley from their yard so they just put up a fence. Mrs. Rife stated that when the reinspection was done ; is when they found out they were in violation for the off street parking. Mrs. Rife indicated that they have spent a lot of money to remove

the parking pad, add the fence and grass. Mrs. Rife indicated they were first time home buyers and would like to keep the yard as it is.

Member Olsen asked the Rife's when they purchased the property.

Mrs. Rife indicated that they purchased the property in July 2020.

Member Olsen stated that when the Rife's purchased the property there was an inspection by the City.

Mr. Rife indicated that their personal inspector said they could remove or repair the off street pad.

Mrs. Rife indicated that there was an inspection by the City for the previous owner, but the City did not go over the inspection report with them.

Member Olsen indicated that the Rife's should have known it was required, it was on the inspection report done by the City.

Mrs. Rife indicated that she was aware that there was an issue with the pad, but it was not called out as off street parking.

Member DiSanto asked how many vehicles they had.

Mrs. Rife indicated that they have two (2) vehicles and indicated that they park on the grass when there is a snow emergency.

The Members and Mrs. and Mrs. Rife reviewed all the inspections that were done on the property.

Member Trupiano asked if there were other violations cited that had to be done.

Mrs. Rife indicated yes and they have taken care of those issues.

Member Flachsmann asked Ms. Green how long the City has been inspecting properties for sale.

Ms. Green stated since 1988.

Member Flachsmann asked Mr. and Mrs. Rife if they had a Temporary Certificate of Approval at closing and the report did indicate that an off street parking space was required not that it was an unsafe pad.

Member Flachsmann indicated that in most cases the Zoning Board does not grant variances for off street parking unless there is no place for parking which is not the case here.

Member Flachsmann stated that because the Rife's felt it was miscommunicated to them is not a reason for not having an off street parking spot, they have plenty of room to install one. Member Flachsmann indicated that Mr. and Mrs. Rife should have contacted the City.

Mr. Rife indicated that they were first time buyers and they were not aware of contacting the City, they received miscommunication from both the Realtor and their personal inspector.

Mrs. Rife indicated that she does not see that they have room for off street parking.

Member Flachsmann indicated that he disagrees.

Member DiSanto asked if the escrow is still being held by the City.

Mrs. Rife indicated they are not sure.

Member DiSanto stated that he understands the intent of the City to require off street parking, but there is no way to enforce that they park on it.

No communications were received regarding this appeal.

Appeal #3367

Vice Chairperson Gillon read the appeal and asked that it be explained.

Wayne Dutton, 2927 4th Street, Wyandotte, and Mrs. McDonald, 2011 Oak Street, Wyandotte, present.

Mr. Dutton explained that he prepared the drawings. Mr. Dutton explained that they are converting a fire house into a home and this is a unique property.

Mr. Dutton reviewed the site plan and indicated the west side of the lot would be the rear property now that it is considered residential due to the size and therefore that is where the proposed garage would go. Mr. Dutton indicated that the property owner did talk to the adjacent neighbor and they had no issues with the proposed garage. Mr. Dutton indicated that there is a garage on 22nd and Oak that is located in the same location as they are requesting.

Mr. Dutton indicated that they are requesting a privacy fence along Oak Street and indicated that the Ordinance allows for a decorative fence in the front yard. Mr. Dutton further indicated that it would match the fence line of the adjacent property.

Mr. Dutton indicated that he has pictures of the proposed fence which was submitted to the Board.

Member Flachsmann asked about the neighbors to the west and asked if that is their back yard.

Mr. Dutton indicated that is their back yard.

Member Olsen stated that he felt the garage and fence should be voted on separately.

Member Olsen stated that the neighbor's fence is on the property line and is a cyclone material and the proposed fence would be five (5) feet back.

Mr. McDonald indicated that the proposed will be even with garage of the adjacent neighbor.

Member Olsen asked about the alley.

Mr. McDonald indicated that the alley dead ends and the 2nd house off of 21st Street has the alley entrance garage.

Member DiSanto asked where the entry to the house would be.

Mr. McDonald indicated that it would just left of the two (2) garage doors. Mr. McDonald indicated that the garage area of the current building would be the living room.

Member DiSanto asked if the existing approach and parking off of Oak Street will remain.

Mr. McDonald indicated that it will remain to keep the look of the fire station.

Member DiSanto asked if they are going to have the driveway entrance off of 20th Street.

Mr. McDonald indicated that yes, they will be get rid of the parking lot to the west of the building and come in the garage off 20th Street.

Member DiSanto and Mr. McDonald reviewed the plans submitted. Member DiSanto indicated there is a lot of concrete around the building.

Member Gillon asked if the fence will be even with the neighbor to the west garage and pulling into the garage off of 20th Street

Mr. McDonald indicated that is correct.

Member Trupiano asked the type of fencing and the height of the fence.

Mr. McDonald indicated that they are looking at two (2) different types of fencing, brick and wrought iron and/or wood. Mr. McDonald further indicated that it would be five (5) feet in height. Mr. McDonald indicated it will be a modern look. Mr. McDonald stated that they did not want the home to look like a fortress.

Member Trupiano indicated that was his concern.

Member Gillon indicated that there is no elevation for the new garage.

Mr. Dutton indicated that they did not want to do design until the Board approved the garage, but it will be a single story with a sloped roof and pick up the character of the fire house.

Lisa Gunter, 2971 21st Street, Wyandotte

Ms. Gunter stated as long as the alley stays open and she can get into her garage she has no issues with the request.

No communications were received regarding this appeal.

Appeal #3368

Vice Chairperson Gillon read the appeal and asked that it be explained.

Todd Hanna, Owner, present.

Mr. Hanna stated there is a temporary sign 4 feet off the ground, and he does not want a ground sign because you can't see it with the adjacent parking being there. Mr. Hanna indicated that he wants people to see the sign when coming down Eureka.

Member Szymczuk indicated that there is a pole there now for a sign.

Mr. Hanna indicated that they are going to trim the pole down if this board approves the change and stated that this is the location of the sign. Mr. Hanna indicated that he has a permit for the sign at 8 feet above ground which is code, but he would like it to be 6 feet so you can see it.

Member Olsen indicated that his only concern is at 6 feet someone could hit their head on it.

Mr. Hanna indicated that you would have to go over the large parking blocks to even get under the sign.

Member Flachsmann indicated that he does not see anyone walking under that sign and he has no issues with the request of the sign at 6 foot in height. Member Flachsmann further indicated when the trees are full bloom you could not see the sign.

No communications were received regarding this appeal.

Appeal #3369

Vice Chairperson Gillon read the appeal and asked that it be explained.

Kevin Sterling, Epic Property Management 438 Elm, Wyandotte and Ken with MI Custom Signs, 20901 Northline, Southgate, present.

Ken indicated that he submitted pictures of the proposed sign and a picture with his car parking in the approach and there is no issue with impeding vision line along Eureka. Ken indicated it will be a decorative brick sign that will light up at night and match the building.

Member Flachsmann indicated that he does not see any issues with the sign and building is a big improvement.

No communications were received regarding this appeal.